

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to licensure, criminal convictions, and wallet cards**

The Board of Massage Therapy hereby amends Chapter 131, “Licensure of Massage Therapists,” and Chapter 134, “Discipline for Massage Therapists,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76 and chapter 152C and 2020 Iowa Acts, House File 2627.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 147.10 and chapter 152C and 2020 Iowa Acts, House File 2627.

*Purpose and Summary*

These amendments implement the provisions of 2020 Iowa Acts, House File 2627, by (1) updating the Board’s licensure rules to include references to two rules in the new 645—Chapter 19 (**ARC 5751C**, IAB 7/14/21), which implements new Iowa Code sections 272C.12 and 272C.13, and (2) updating the Board’s rules regarding criminal convictions as grounds for discipline. These amendments also remove references to wallet cards.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 24, 2021, as **ARC 5443C**. A virtual public hearing was held on March 16, 2021, at 9 a.m. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on June 1, 2021.

*Fiscal Impact*

This rule making has minimal fiscal impact to the State of Iowa. Licensees will no longer need to pay to receive duplicate wallet cards and instead will be able to print their own renewal verification if needed.

*Jobs Impact*

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on August 18, 2021.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** subrule 131.3(3):

**131.3(3)** An applicant who has relocated to Iowa from a state that did not require licensure to practice the profession may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

ITEM 2. Amend rule 645—131.6(152C) as follows:

**645—131.6(152C) Licensure by endorsement.**

**131.6(1)** An applicant who has been a licensed massage therapist under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. a. Submits to the board a completed application;
2. b. Pays the licensure fee;
3. c. Shows evidence of licensure requirements that are similar to those required in Iowa;
4. d. Provides official copies of the academic transcripts sent directly from the school to the board;
5. e. Provides proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination. Proof of passing shall be sent directly from the testing service to the board of massage therapy. The passing score on the written examination shall be the passing point criterion established by the national testing authority at the time the test was administered; and
6. f. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- (1) Licensee's name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license.

**131.6(2)** Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

ITEM 3. Amend subrule 131.8(5) as follows:

**131.8(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license ~~and shall send the licensee a wallet card by regular mail~~. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

ITEM 4. Amend subrule 131.8(7) as follows:

**131.8(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the ~~wallet card renewal~~. The licensee shall be assessed a late fee as specified in 645—subrule 5.8(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 5. Rescind subrule 134.2(11) and adopt the following **new** subrule in lieu thereof:

**134.2(11)** Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/14/21.